FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4023 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr. Mohan Pungliya for petitioner.

CORAM: B.H. MARLAPALLE,J.

07/06/2007.

P.C.:

. Civil Suit No. 46 of 1985 was decreed by the learned 4th Addl. Small Causes Judge, Pune by judgment and order dated 25/4/1987. Being aggrieved by the said decree, the defendants filed Civil Appeal No.481 of 1988 before the District Court at Pune. The said Appeal was allowed by the lower Appellate Court vide its judgment and order dated 27/7/2004. Thereafter the plaintiff filed Misc.Civil Application No.659/04 for review of judgment and decree dated 27/7/2004 and the same was dismissed on 10/10/2006.

. The petitioner, therefore, has a statutory remedy of filing a Civil

Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006 vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioners to file a Civil Revision Application and if such an application is filed within a period of four weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)